

Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. HOEVEN), the Senator from Louisiana (Mr. KENNEDY), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. SCOTT), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 41, as follows:

[Rollcall Vote No. 35 Ex.]

#### YEAS—46

Alexander	Ernst	Portman
Barrasso	Fischer	Risch
Blackburn	Gardner	Roberts
Blunt	Grassley	Romney
Boozman	Hawley	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (SC)
Cassidy	Lankford	Shelby
Collins	Lee	Sullivan
Cornyn	Loeffler	Thune
Cotton	McConnell	Tillis
Crapo	McSally	Wicker
Cruz	Moran	Young
Daines	Murkowski	
Enzi	Perdue	

#### NAYS—41

Baldwin	Brown	Carper
Blumenthal	Cantwell	Casey
Booker	Cardin	Coons

Cortez Masto	King	Shaheen
Duckworth	Leahy	Sinema
Durbin	Manchin	Smith
Feinstein	Menendez	Stabenow
Gillibrand	Merkley	Tester
Harris	Murphy	Udall
Hassan	Murray	Van Hollen
Heinrich	Peters	Warner
Hirono	Reed	Whitehouse
Jones	Rosen	Wyden
Kaine	Schumer	

#### NOT VOTING—13

Bennet	Klobuchar	Scott (FL)
Cramer	Markey	Toomey
Graham	Paul	Warren
Hoeben	Sanders	
Kennedy	Schatz	

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 41.

The motion is agreed to.

The majority leader.

#### ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 2:15 tomorrow, all postcloture time on the Brasher nomination be considered expired. I further ask that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action. Finally, I ask that following disposition of the Brasher nomination, the Senate vote on cloture motions with respect to the Kindred, Schelp, Kness, and Halpern nominations, and if cloture is invoked on any of these nominations, the confirmation votes occur on Wednesday, February 12, at a time to be determined by the majority leader in consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter

references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. JAMES E. RISCH,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-02 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$990 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,  
Lieutenant General, USA, Director.

Enclosures.

#### TRANSMITTAL NO. 20-02

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:

Major Defense Equipment\* \$690 million.  
Other \$300 million.  
Total \$990 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Up to two hundred (200) AGM-158C, Long Range Anti-Ship Missiles (LRASMs).  
Up to eleven (11) ATM-158C LRASMs Telemetry Variant (Inert).

Non-MDE: Also included are DATM-158C LRASM, Captive Air Training Missiles (CATM-158C LRASM), containers, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representatives technical assistance, engineering and logistics support services, and other related elements of logistics support.

(iv) Military Department: Navy (AT-P-ANT).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 7, 2020.

\*As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

Australia—Long Range Anti-Ship Missiles (LRASMs)

The Government of Australia has requested to buy up to two hundred (200) AGM-158C, Long Range Anti-Ship Missiles (LRASMs); and up to eleven (11) ATM-158C LRASM Telemetry Variant (Inert). Also included are DATM-158C LRASM, Captive Air Training Missiles (CATM-158C LRASM), containers, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representatives technical assistance, engineering and logistics support services, and other related elements of logistics support. The total estimated cost is \$990 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region.

Australia intends to use the missiles on its F-18 aircraft and will provide enhanced capabilities in defense of critical sea-lanes. The proposed sale of the missiles and support will increase the Australian Navy's maritime partnership potential and align its capabilities with existing regional baselines. This is Australia's first purchase of the missiles. Australia will not have any difficulty absorbing these weapons into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed Martin, Orlando, Florida. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require annual trips to Australia involving U.S. Government and contractor representatives for technical reviews, support, and oversight for approximately five years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 20-02

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The AGM-158C, Long Range Anti-Ship Missile (LRASM) system is classified SECRET. The LRASM is a non-nuclear tactical weapon system. It provides a day, night, and adverse weather, standoff air-to-surface capability and is an effective Anti-Surface Warfare missile. The LRASM incorporates components, software, and technical design information that are considered sensitive. The following components being conveyed by the proposed sale that are considered sensitive include:

- a. RF Seeker.
- b. GPS/INS System.
- c. Datalink.
- d. Warhead.
- e. IR Seeker.

2. These elements are essential to the ability of the LRASM missile to selectively engage hostile targets under a wide range of operations, tactical and environmental conditions.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed on this transmittal have been authorized for release and export to the Government of Australia.

#### ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act

requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. JAMES E. RISCH,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 19-55, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and services estimated to cost \$1.867 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,  
Lieutenant General, USA,  
Director.

Enclosures.

TRANSMITTAL NO. 19-55

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of India.

(ii) Total Estimated Value:  
Major Defense Equipment\* \$ 0.492 billion.  
Other \$ 1.375 billion.  
Total \$ 1.867 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: India has requested a possible sale of an Integrated Air Defense Weapon System comprised of:

Major Defense Equipment (MDE):

Five (5) AN/MPQ-64F1 Sentinel Radar Systems.

One hundred eighteen (118) AMRAAM AIM-120C-7/C-8 Missiles.

Three (3) AMRAAM Guidance Sections.

Four (4) AMRAAM Control Sections.

One hundred thirty-four (134) Stinger FIM-92L Missiles.

Non-MDE: Also included are thirty-two (32) M4A1 rifles; forty thousand three hundred twenty (40,320) M855 5.56mm cartridges; Fire Distribution Centers (FDC); Handheld Remote Terminals; Electrical Optical/Infrared (EO/IR) Sensor Systems; AMRAAM Non-Developmental Item-Airborne Instrumentation Units (NDI-AIU); Multi-spectral Targeting System-Model A (MTS-A); Canister Launchers (CN); High Mobility Launchers (HML); Dual Mount Stinger (DMS) Air Defense Systems; Vehicle Mounted Stinger Rapid Ranger Air Defense Systems; communications equipment; tool kits; test equipment; range and test programs; support equipment; prime

movers; generators; technical documentation; computer based training equipment; training equipment; training towers; ammunition storage; training and maintenance facilities; infrastructure improvements; U.S. Government and contractor technical support, engineering and logistics support services; warranty services; Systems and Integration Checkout (SICO); field office support; and other related elements of logistics and program support.

(iv) Military Department: Army (IN-B-UAP) and Air Force (IN-D-YAC).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission. Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 7, 2020.

\*As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

India—Integrated Air Defense Weapon System (IADWS) and Related Equipment and Support

The Government of India has requested to buy an Integrated Air Defense Weapon System (IADWS) comprised of: five (5) AN/MPQ-64F1 Sentinel radar systems; one hundred eighteen (118) AMRAAM AIM-120C-7/C-8 missiles; three (3) AMRAAM Guidance Sections; four (4) AMRAAM Control Sections; and one hundred thirty-four (134) Stinger FIM-92L missiles. Also included are thirty-two (32) M4A1 rifles; forty thousand three hundred twenty (40,320) M855 5.56mm cartridges; Fire Distribution Centers (FDC); Handheld Remote Terminals; Electrical Optical/Infrared (EO/IR) Sensor Systems; AMRAAM Non-Developmental Item-Airborne Instrumentation Units (NDI-AIU); Multi-spectral Targeting System-Model A (MTS-A); Canister Launchers (CN); High Mobility Launchers (HML); Dual Mount Stinger (DMS) Air Defense Systems; Vehicle Mounted Stinger Rapid Ranger Air Defense Systems; communications equipment; tool kits; test equipment; range and test programs; support equipment; prime movers; generators; technical documentation; computer based training equipment; training equipment; training towers; ammunition storage; training and maintenance facilities; infrastructure improvements; U.S. Government and contractor technical support, engineering and logistics support services; warranty services; Systems and Integration Checkout (SICO); field office support; and other related elements of logistics and program support. The total estimated cost is \$1.867 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to strengthen the U.S.-Indian strategic relationship and to improve the security of a major defensive partner, which continues to be an important force for political stability, peace, and economic progress in the Indo-Pacific and South Asia region.

India intends to use these defense articles and services to modernize its armed forces, and to expand its existing air defense architecture to counter threats posed by air attack. This will contribute to India's military goal to update its capability while further enhancing greater interoperability between India, the U.S., and other allies. India will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors involved in this program are The Raytheon Corporation and Kongsberg Defense and Aerospace. There are